MT LEGISLATIVE HISTORY

Chapter 503 1985

Bill H _____ (S) 406 Original bill & hist. ✓ C

H. Committee on Judiciary			S. Committee on Judiciary		
Hearing Date(s)	Mar 22	✓ C	Hearing Date(s)	Feb 19	✓ C
		C			C
		C			C
		C			C
Date Out	Mar 22	✓ C		Feb 19	✓ C

Did this bill originate in an interim committee? ___ Yes ___ No

Committee _____ Report _____

2/27	REFERRED TO BUSINESS & LABOR		
3/18	HEARING		
3/18	COMMITTEE REPORT-BILL CONCURRED		
3/20	2ND READING CONCURRED	69	7
3/22	3RD READING CONCURRED	89	9
	RETURNED TO SENATE		
3/27	SIGNED BY PRESIDENT		
3/28	SIGNED BY SPEAKER		
3/28	TRANSMITTED TO GOVERNOR		
4/01	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 275 EFFECTIVE DATE: 10/01/85		

SB 405 INTRODUCED BY STIMATZ
STATEWIDE PROPERTY TAX LEVY OF 1 MILL FOR PUBLIC AIRPORTS

2/13	INTRODUCED		
2/13	REFERRED TO TAXATION		
2/13	FISCAL NOTE REQUESTED		
2/19	FISCAL NOTE RECEIVED		
3/12	HEARING		
3/12	ADVERSE COMMITTEE REPORT	42	7
3/12	BILL KILLED		

SB 406 INTRODUCED BY LYNCH, C. SMITH
REVISING LAWS RELATING TO INTERNAL ORGANIZATION OF JUSTICE DEPARTMENT
BY REQUEST OF DEPARTMENT OF JUSTICE

2/13	INTRODUCED		
2/13	REFERRED TO JUDICIARY		
2/19	HEARING		
2/20	COMMITTEE REPORT-BILL PASS AS AMENDED		
2/23	2ND READING PASS	49	0
2/25	3RD READING PASS	48	0
	TRANSMITTED TO HOUSE		
2/27	REFERRED TO JUDICIARY		
3/22	HEARING		
3/23	COMM REPORT-BILL CONCURRED AS AMENDED		
3/26	2ND READING CONCURRED	94	0
3/28	3RD READING CONCURRED	98	0
	RETURNED TO SENATE WITH AMENDMENTS		
4/02	2ND READING AMENDMENTS CONCURRED	50	0
4/04	3RD READING AMENDMENTS CONCURRED	50	0
4/11	SIGNED BY PRESIDENT		
4/11	SIGNED BY SPEAKER		
4/12	TRANSMITTED TO GOVERNOR		
4/16	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 503 EFFECTIVE DATE: 10/01/85		

SB 407 INTRODUCED BY B. WILLIAMS, KOLSTAD, ET AL.
CANCELLATION, TERMINATION FARM IMPLEMENT DEALERSHIP ONLY FOR GOOD CAUSE
BY REQUEST OF SENATE BUSINESS & INDUSTRY

CHAIRMAN--MAZUREK, JOE
NORMAL SCHEDULE==> SITE: OLD SUPREME COURT ROOM DAYS: M-TU-W-TH-F TIME: 10:00 A.M.-12 NOON

SECRETARY-STALEY, CINDY

--BILL NO---	REFER DATE---	HEARING DATE---	CONSIDERATION DATES----------	COMMITTEE ACTION----------	REREFERRED TO COMM----	DATE OUT-
SB0376	2/13	2/20		PASS AS AMENDED		2/22
TOWE, THOMAS E.			COMMITMENT FOR OUTPATIENT TREATMENT			
SB0381	2/11	2/19	2/23	TABLED		2/22
WEEDING, CECIL			CREATE OFFENSE OF AGGRAVATED DRIVING UNDER THE INFLUENCE			
SB0383	2/11	2/15	2/23	TABLED		2/18
HALLIGAN, MIKE			CHILD SUPPORT GUIDELINES; GENERAL REVISIONS - COMPUTATION METHOD			
SB0392	2/12	2/21		DO PASS		2/23
DANIELS, M.K.			AUTHORIZING DEATH PENALTY FOR CERTAIN CRIMES COMMITTED BY INMATES AT MSP			
SB0406	2/13	2/19		PASS AS AMENDED		2/19
LYNCH, J.D.			REVISING LAWS RELATING TO INTERNAL ORGANIZATION OF JUSTICE DEPARTMENT			
SB0411	2/14	2/20		PASS AS AMENDED		2/22
TOWE, THOMAS E.			ADMISSION AND TREATMENT OF YOUTHS TO STATE TREATMENT CENTER AND HOSPITAL			
SB0412	2/14	2/21		PASS AS AMENDED		2/23
SMITH, ED B.			MANDATORY 30 DAYS IN JAIL FOR CERTAIN CHILD ABUSE OFFENSES			
SB0414	2/14	2/20		DO PASS		2/22
TOWE, THOMAS E.			PUBLIC ADMINISTRATOR TO BE APPOINTED CONSERVATOR OF CERTAIN SSI RECIPIENTS			
SB0417	2/15	2/21		ADVERSE REPORT as amended		2/23
HAGER, TOM			POSSESSION OF ALCOHOLIC BEVERAGE IN A MOTOR VEHICLE AN OFFENSE			
SB0418	2/15	2/22		DO PASS		2/23
BOYLAN, PAUL F.			DEFINING HIGH WATER MARK			
SB0421	2/15	2/22		PASS AS AMENDED		2/23
STORY, PETE			RESTRICTING LANDOWNER LIABILITY TOWARDS RECREATIONAL USERS OF LAND			

SENATE BILL NO. 406

INTRODUCED BY LYNCH, C. SMITH

BY REQUEST OF THE DEPARTMENT OF JUSTICE

IN THE SENATE

February 13, 1985	Introduced and referred to Committee on Judiciary.
February 20, 1985	Committee recommend bill do pass as amended. Report adopted.
February 21, 1985	Bill printed and placed on members' desks.
February 23, 1985	Second reading, do pass.
February 25, 1985	Considered correctly engrossed.
	Third reading, passed. Ayes, 48; Noes, 0.
	Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on Judiciary.
March 23, 1985	Committee recommend bill be concurred in as amended. Report adopted.
March 26, 1985	Second reading, concurred in.
March 28, 1985	Third reading, concurred in.
	Returned to Senate with amendments.

IN THE SENATE

March 28, 1985	Received from House.
April 2, 1985	Second reading, amendments concurred in.
April 4, 1985	Third reading, amendments concurred in. Ayes, 50; Noes, 0.
	Sent to enrolling.
	Reported correctly enrolled.

Senate BILL NO. 406

INTRODUCED BY _____

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS RELATING TO THE INTERNAL ORGANIZATION OF THE DEPARTMENT OF JUSTICE; SUBSTITUTING THE TERMS "DEPARTMENT OF JUSTICE" OR "DEPARTMENT" FOR TERMS RELATING TO SPECIFIC DIVISIONS OR BUREAUS WITHIN THE DEPARTMENT; AMENDING SECTIONS 2-15-2005, 44-2-111, 44-3-106, 44-3-201, 44-3-204, 44-3-303, 53-4-505, AND 61-3-108, MCA; AND REPEALING SECTIONS 2-15-2002 THROUGH 2-15-2004, 44-2-101, 44-2-102, 44-3-103, 44-3-202, 44-3-212, AND 44-3-304, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. "Division of motor vehicles" changed to "department of justice". Wherever the term "division of motor vehicles", "motor vehicle division", or "division", meaning *division of motor vehicles*, appears in Title 44, chapter 1, or Title 61, it is changed to "department of justice" or "department" meaning the department of justice.

NEW SECTION. Section 2. "Bureau of criminal investigation" changed to "department of justice". Wherever the term "bureau of criminal investigation" or "bureau", meaning bureau of criminal investigation, appears in Title 44, chapter 2, it is changed to "department of justice" or *"department" meaning the department of justice.*

NEW SECTION. Section 3. "Fire marshal bureau" changed to "department of justice". Wherever the term "fire marshal bureau" or "bureau", meaning fire marshal bureau, appears in Title 50, chapter 3, it is changed to "department of justice" or "department" meaning the department of justice.

Section 4. Section 2-15-2005, MCA, is amended to read:

"2-15-2005. ~~Fire~~ State fire marshal ~~bureau~~ -- advisory council. (1) There is a state fire marshal ~~bureau~~ in the department of justice ~~which~~ who is under the supervision and control of the attorney general.

~~(2)--The-chief-of-the--fire--marshal--bureau--shall--be appointed--by--the--attorney--general-and-shall-serve-at-his pleasure.-The-chief-of-the-fire-marshal-bureau-is-the--state fire-marshal.~~

~~(3)~~(2) A person appointed state fire marshal shall have:

(a) at least 10 years of progressively responsible experience in fire protection;

(b) a 2-year associate degree in fire protection engineering from a recognized institution of higher education and 2 years' experience in fire protection; or

(c) a degree from a recognized institution of higher

INTRODUCED BILL
SB 406

education in fire protection engineering or fire protection technology.

~~(4)~~(3) The attorney general shall create a fire marshal advisory council in accordance with procedures provided in 2-15-122."

Section 5. Section 44-2-111, MCA, is amended to read:

"44-2-111. Definition of "agent". As used in this part, "agent" means a person appointed to ~~the bureau of criminal investigation~~ conduct criminal investigations and perform related duties within the attorney general's office."

Section 6. Section 44-3-106, MCA, is amended to read:

"44-3-106. Power of attorney general to employ personnel. The attorney general is authorized to employ such personnel as may be necessary to ~~conduct the affairs of the division of forensic science~~ perform the functions of this chapter."

Section 7. Section 44-3-201, MCA, is amended to read:

"44-3-201. ~~Definition of state~~ State medical examiner. ~~"State~~ A state medical examiner~~" means the state medical examiner provided for in 2-15-2004~~ must be appointed by the attorney general to administer department functions assigned by 44-3-104. The state medical examiner may perform such other duties as may be assigned by the attorney general. The state medical examiner must be a forensic pathologist

qualified and certified by the American board of pathology."

Section 8. Section 44-3-204, MCA, is amended to read:

"44-3-204. Associate medical examiners -- compensation. (1) Associate medical examiners may be paid for their services an amount which the ~~state medical examiner~~ attorney general considers to be reasonable compensation and may be reimbursed for expenses actually incurred in the performance of their duties.

(2) The costs of services performed by associate medical examiners are chargeable to the county for which the service is performed."

Section 9. Section 44-3-303, MCA, is amended to read:

"44-3-303. Duties of laboratory director. The laboratory director shall:

(1) be responsible ~~to the state medical examiner~~ for supervision and direction of the laboratory~~.~~;

(2) appoint laboratory personnel;

(3) render decisions as to the disposition of specimens; and

(4) perform all other duties required by the rules of the division."

Section 10. Section 53-4-505, MCA, is amended to read:

"53-4-505. Fire safety -- certification required. (1) The state fire marshal of the department of justice shall adopt and enforce rules for the protection of children in

day-care centers from fire hazards and arrange for such inspections and investigations as it considers necessary.

(2) Before a license can be issued to operate a day-care center, each applicant shall submit to the department a certificate of approval from the fire marshal ~~bureau~~ of the department of justice or ~~its~~ his designee, indicating that fire safety rules have been met."

Section 11. Section 61-3-108, MCA, is amended to read:

"61-3-108. Disposition of fees -- use. (1) All fees payable to the ~~division~~ department under this chapter shall be deposited in a motor vehicle recording account of the state special revenue fund.

(2) Funds deposited in the motor vehicle recording account of the state special revenue fund may be expended for the following purposes:

(a) to pay the salaries and operating expenses ~~of--the division~~ associated with performing duties under this chapter, including the manufacture and delivery of license plates;

(b) to fund the forensic science ~~division~~ activities of the department of justice;

(c) to fund the Montana law enforcement academy ~~bureau~~;

(d) to fund the law enforcement teletype system ~~bureau~~ of the department of justice;

(e) to fund the Montana criminal law information center to the extent that all of the above programs have been previously funded and funds remain available."

NEW SECTION. Section 12. Repealer. Sections 2-15-2002 through 2-15-2004, 44-2-101, 44-2-102, 44-3-103, 44-3-202, 44-3-212, and 44-3-304, MCA, are repealed.

-End-

MONTANA STATE SENATE
JUDICIARY COMMITTEE
MINUTES OF THE MEETING

February 19, 1985

The thirty-fourth meeting of the Senate Judiciary Committee was called to order at 10:08 a.m. on February 19, 1985, by Chairman Joe Mazurek in Room 325 of the Capitol Building.

ROLL CALL: All committee members were present, with the exception of Senators Galt and Yellowtail who were excused.

CONSIDERATION OF SB 406: Senator J. D. Lynch, sponsor of SB 406, testified this is merely a housekeeping bill. He then submitted proposed amendments prepared by Mr. Petesch, which were also housekeeping in nature (Exhibit 1).

PROPONENTS: Larry Majerus, Administrator, Motor Vehicle Division of the Department of Justice, testified this bill contains language which would replace specific divisions within the department with the words "Department of Justice." They define these things in terms of function. Mr. Majerus also proposed amendments to the bill (Exhibit 2).

OPPONENTS: None.

QUESTIONS FROM THE COMMITTEE: Senator Mazurek asked Mr. Petesch to explain the amendments. Mr. Petesch replied the proposed amendments are housekeeping in nature. They deal with the forensics division. Mr. Majerus commented he agreed with the amendments proposed on Exhibit 1.

CLOSING STATEMENT: None.

Hearing on SB 406 was closed.

CONSIDERATION OF SB 381: Senator Cecil Weeding, sponsor of SB 381, testified this bill was requested by the Treasure County Attorney and was originally drafted by Senator Manning. It provides an additional category of an offense for driving under the influence of alcohol and imposes two new penalties for that offense. It creates the offense of aggravated driving under the influence. It's designed to cover that extremely irresponsible person who is a major menace on the highway.

PROPONENTS: Gary Ryder, Treasure County Attorney testified in support of the bill (see witness sheet attached as Exhibit 3). He stated this

disclosure. He questioned whether we would want to use the same system with regard to police records. They are open to everybody unless the individual comes forth and says don't let my records out. He had no problem with using the constitutional language that the judge shall find a compelling state interest in allowing disclosure. He is happy because when you go to the law library to find a book, you can ask the librarian to tell the person who has checked out the book someone else wants it. Senator Towe felt Mr. Meloy's problems were easily solved, and the committee did not need to avoid confidentiality on those bases. Senator Pinsoneault asked if they had an incidence where a police officer came in and wanted to see someone's records. Ms. Schlesinger answered in a case of arson and murder, a sheriff asked to see the records. She explained the Lewis and Clark County Library has a confidentiality policy, but had the sheriff pursued the matter, she would not have been protected by law. Senator Mazurek questioned whether they wanted to involve the court system in matters of plagiarism. Senator Towe responded he didn't think that was a problem. If it is that serious, he believes maybe the university system should take a look at it. Senator Mazurek questioned whether they were then elevating that to a criminal proceeding when it would generally be handled through the university system. Senator Towe replied it does not have to be a criminal proceeding. Senator Mazurek asked if he needed a book, would the librarian call the person who has it and ask them to return it. Ms. Schlesinger replied they have a procedure for recall of books, but they do not tell the requesting person who has the book.

CLOSING STATEMENT: Senator Towe stated he thinks section 10 of the constitution is a good one and should be followed. What we are dealing with is a matter of privacy until there is a showing of compelling state interest.

Hearing on SB 332 was closed.

ACTION ON SB 406: Senator Pinsoneault moved adoption of the amendments contained on Exhibits 1 and 2. Senator Mazurek explained this makes the Attorney General the head of the Department of Justice and puts the Division of Motor Vehicles under the Department of Justice. The motion carried unanimously. Senator Pinsoneault moved SB 406 be recommended DO PASS AS AMENDED. The motion carried unanimously.

ACTION ON SB 322: Senator Brown moved SB 322 be recommended DO NOT PASS. Senator Mazurek commented he felt this was a good bill this year. Senator Towe moved as a substitute motion that the amendments contained on Exhibits 6 and 7 be accepted as modified thereon. The motion carried unanimously. Senator Towe moved SB 322 be recommended DO PASS AS AMENDED. The motion carried with Senators Crippen and Shaw voting in opposition.

PROPOSED AMENDMENTS TO SB 406:

1. Title, line 10.
Following: "44-2-111,"
Insert: "44-3-104 THROUGH"

2. Page 3, lin3 12.
Following: line 11
Insert: "Section 6. Section 44-3-104, MCA, is amended to read:

"44-3-104. Functions of ~~division~~ department. The forensics functions of the ~~division~~ department of justice include operation of:

(1) a laboratory of criminalistics; and

(2) an office of forensic pathology."

Section 7. Section 44-3-105, MCA, is amended to read:

"44-3-105. Authority of accept grants. The ~~division of forensic science~~ department of justice is authorized to accept federal and other moneys which may be made available to accomplish the purposes of this chapter."
Renumber: subsequent sections

3. Page 6, line 4.
Following: line 5
Insert: "NEW SECTION. Section 14. Code commissioner instructions. (1) Wherever the terms "division of motor vehicles," "motor vehicle division," or "division" meaning division of motor vehicles appear in legislation enacted in the 49th legislative session, the code commissioner is instructed to change the term to "department of justice" or "department" meaning the department of justice.

(2) Wherever the terms "bureau of criminal investigation" or "bureau" meaning the bureau of criminal investigation appear in legislation enacted by the 49th legislative session, the code commissioner is instructed to change the term to "department of justice" or "department" meaning the department of justice.

(3) Wherever the terms "fire marshal bureau" or "bureau" meaning the fire marshal bureau appear in legislation enacted by the 49th legislative session, the code commissioner is instructed to change the term to "department of justice" or "department" meaning the department of justice.

(4) Wherever the terms "division of forensic sciences" or "division" meaning the division of forensic sciences appears in legislation enacted by the 49th legislative session, the code commissioner is instructed to change the term to "department of Justice" or "department" meaning the department of justice."
Renumber: subsequent section

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 1
DATE 021985
BILL NO. SB 406

PROPOSED AMENDMENT TO SB 406, INTRODUCED COPY:

1. Page 4, line 21
   Following: "the"
   Strike: "division"
   Insert: "department"

2. Page 5, line 10
   Following: "this"
   Strike: "chapter"
   Insert: "title, unless otherwise provided"

3. Page 5, line 18
   Strike: "chapter"
   Insert: "title"

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 2
DATE 021985
BILL NO. SB 406

STANDING COMMITTEE REPORT

February 19 19 85

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration SENATE BILL No. 406

first reading copy (white color)

REVISING LAWS RELATING TO INTERNAL ORGANIZATION OF JUSTICE DEPARTMENT

Respectfully report as follows: That SENATE BILL No. 96

be amended as follows:

1. Title, line 10.
Following: "44-2-111,"
Insert: "44-3-104 THROUGH"

2. Page 3, line 12.
Following: line 11
Insert: "Section 6. Section 44-3-104, MCA, is amended to read:

"44-3-104. Functions of division department. The forensics functions of the division department of justice include operation of:

(1) a laboratory of criminalistics; and

(2) an office of forensic pathology."

Section 7. Section 44-3-105, MCA, is amended to read:

"44-3-105. Authority to accept grants. The division of forensic science department of justice is authorized to accept federal and other moneys which may be made available to accomplish the purposes of this chapter."
Renumber: subsequent sections

3. Page 4, line 21.
Following: "the"
Strike: "division"
Insert: "department"

XXXXXX

XXXXXXXXX

CONTINUED

Chairman.

SENATE BILL NO. 406

4. Page 5, line 10.
Following: "this"
Strike: "chapter"
Insert: "title, unless otherwise provided"

5. Page 5, line 18.
Strike: "chapter"
Insert: "title"

6. Page 6, line 4.
Following: line 5
Insert: "NEW SECTION. Section 14. Code commissioner instructions. (1) Wherever the terms "division of motor vehicles," "motor vehicle division," or "division" meaning division of motor vehicles appear in legislation enacted in the 49th legislative session, the code commissioner is instructed to change the term to "department of justice" or "department" meaning the department of justice.

(2) Wherever the terms "bureau of criminal investigation" or "bureau" meaning the bureau of criminal investigation appear in legislation enacted by the 49th legislative session, the code commissioner is instructed to change the term to "department of justice" or "department" meaning the department of justice.

(3) Wherever the terms "fire marshal bureau" or "bureau" meaning the fire marshal bureau appear in legislation enacted by the 49th legislative session, the code commissioner is instructed to change the term to "department of justice" or "department" meaning the department of justice.

(4) Wherever the terms "division of forensic sciences" or "division" meaning the division of forensic sciences appears in legislation enacted by the 49th legislative session, the code commissioner is instructed to change the term to "department of Justice" or "department" meaning the department of justice."
Renumber: subsequent section

AND AS AMENDED

DO PASS

Senator Joe Mazurek, Chairman

CLERICAL

Date: 2/20/85

Time: 5:27 PM

Senate Bill 406

In accordance with Joint Rule 3-7(b) the following clerical errors may be corrected:

Judiciary Rep. of 2/19

Amendment 4 insert: "title, unless otherwise provided" (dependent clause)

Amendment 6 insert: "(1) Wherever the terms "division of motor vehicles," "motor vehicle division," or... "(code for

"(4)..."department of Justice" or..." (i.e.)

2/22/85 p.m.

Sponsor

Secretary of Senate
or
Chief Clerk

Legislative Council

STATUS SHEET

FORTY-NINTH LEGISLATIVE SESSION

COMMITTEE ON JUDICIARY

SENATE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
SB 322	2/27/85	3/19/85 3/28/85	3/28/85					3/28/85	
SB 327	2/27/85	3/19/85	3/19/85				3/19/85		
SB 328	2/27/85	3/19/85 3/27/85	3/27/85						3/27/85
SB 331	2/27/85	3/19/85	3/19/85					3/19/85	
SB 332	2/27/85	3/21/85	3/21/85					3/21/85	
SB 257	2/27/85	3/15/85	3/15/85					3/15/85	
SB 267	2/27/85	3/15/85	3/15/85				3/15/85		
SB 268	2/27/85	3/20/85 3/26/85	3/26/85					3/26/85	
SB 290	2/27/85	3/15/85	3/15/85				3/15/85		
SB 292	2/27/85	3/15/85	3/15/85				3/15/85		
SB 294	2/27/85	3/21/85	3/21/85				3/21/85		
SB 352	2/27/85	3/21/85	3/21/85				3/21/85		
SB 406	2/27/85	3/22/85	3/22/85					3/22/85	
SB 116	3/7/85	3/25/85 3/27/85	3/30/85 (Tabled 3/27/85)		(Un-tabled 3/29/85)			3/30/85	
SB 375	3/7/85	3/20/85 3/27/85	3/27/85					3/27/85	
SB 376	3/7/85	3/20/85 3/27/85	(Tabled 3/27/85)						

Use a separate sheet for Senate, House Bills, and Resolutions

SENATE BILL NO. 406

INTRODUCED BY LYNCH, C. SMITH

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS RELATING TO THE INTERNAL ORGANIZATION OF THE DEPARTMENT OF JUSTICE; SUBSTITUTING THE TERMS "DEPARTMENT OF JUSTICE" OR "DEPARTMENT" FOR TERMS RELATING TO SPECIFIC DIVISIONS OR BUREAUS WITHIN THE DEPARTMENT; AMENDING SECTIONS 2-15-2005, 44-2-111, 44-3-104 THROUGH 44-3-106, 44-3-201, 44-3-204, 44-3-303, 53-4-505, AND 61-3-108, MCA; AND REPEALING SECTIONS 2-15-2002 THROUGH 2-15-2004, 44-2-101, 44-2-102, 44-3-103, 44-3-202, 44-3-212, AND 44-3-304, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. "Division of motor vehicles" changed to "department of justice". Wherever the term "division of motor vehicles", "motor vehicle division", or "division", meaning division of motor vehicles, appears in Title 44, chapter 1, or Title 61, it is changed to "department of justice" or "department" meaning the department of justice.

NEW SECTION. Section 2. "Bureau of criminal investigation" changed to "department of justice". Wherever the term "bureau of criminal investigation" or "bureau", meaning bureau of criminal investigation, appears in Title 44, chapter 2, it is changed to "department of justice" or "department" meaning the department of justice.

NEW SECTION. Section 3. "Fire marshal bureau" changed to "department of justice". Wherever the term "fire marshal bureau" or "bureau", meaning fire marshal bureau, appears in Title 50, chapter 3, it is changed to "department of justice" or "department" meaning the department of justice.

Section 4. Section 2-15-2005, MCA, is amended to read:

"2-15-2005. ~~Fire~~ State fire marshal ~~bureau~~ -- advisory council. (1) There is a state fire marshal ~~bureau~~ in the department of justice ~~which~~ who is under the supervision and control of the attorney general.

~~(2)--The--chief--of--the--fire--marshal-bureau-shall-be appointed-by-the-attorney-general-and--shall--serve--at--his pleasure.--The-chief-of-the-fire-marshal-bureau-is-the-state fire-marshal.~~

~~(3)~~(2) A person appointed state fire marshal shall have:

(a) at least 10 years of progressively responsible experience in fire protection;

(b) a 2-year associate degree in fire protection engineering from a recognized institution of higher education and 2 years' experience in fire protection; or

(c) a degree from a recognized institution of higher

education in fire protection engineering or fire protection technology.

~~(4)~~(3) The attorney general shall create a fire marshal advisory council in accordance with procedures provided in 2-15-122."

Section 5. Section 44-2-111, MCA, is amended to read:

"44-2-111. Definition of "agent". As used in this part, "agent" means a person appointed to ~~the--bureau--of criminal--investigation~~ conduct criminal investigations and perform related duties within the attorney general's office."

SECTION 6. SECTION 44-3-104, MCA, IS AMENDED TO READ:

"44-3-104. Functions of ~~division~~ department. The forensics functions of the ~~division~~ department of justice include operation of:

(1) a laboratory of criminalistics; and

(2) an office of forensic pathology."

SECTION 7. SECTION 44-3-105, MCA, IS AMENDED TO READ:

"44-3-105. Authority to accept grants. The ~~division-of forensic--science~~ department of justice is authorized to accept federal and other moneys which may be made available to accomplish the purposes of this chapter."

Section 8. Section 44-3-106, MCA, is amended to read:

"44-3-106. Power of attorney general to employ personnel. The attorney general is authorized to employ such

personnel as may be necessary to ~~conduct-the-affairs-of-the division-of-forensic-science~~ perform the functions of this chapter."

Section 9. Section 44-3-201, MCA, is amended to read:

"44-3-201. ~~Definition-of-state~~ State medical examiner. "~~State~~ A state medical examiner"~~--means--the--state--medical examiner--provided-for-in-2-15-2004~~ must be appointed by the attorney general to administer department functions assigned by 44-3-104. The state medical examiner may perform such other duties as may be assigned by the attorney general. The state medical examiner must be a forensic pathologist qualified and certified by the American board of pathology."

Section 10. Section 44-3-204, MCA, is amended to read:

"44-3-204. Associate medical examiners -- compensation. (1) Associate medical examiners may be paid for their services an amount which the ~~state--medical examiner~~ attorney general considers to be reasonable compensation and may be reimbursed for expenses actually incurred in the performance of their duties.

(2) The costs of services performed by associate medical examiners are chargeable to the county for which the service is performed."

Section 11. Section 44-3-303, MCA, is amended to read:

"44-3-303. Duties of laboratory director. The laboratory director shall:

(1) be responsible ~~to-the-state-medical-examiner~~ for supervision and direction of the laboratory~~.~~;

(2) appoint laboratory personnel;

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Section 13. Section 61-3-108, MCA, is amended to read:

"61-3-108. Disposition of fees -- use. (1) All fees payable to the ~~division~~ department under this ~~chapter~~ TITLE, UNLESS OTHERWISE PROVIDED, shall be deposited in a motor vehicle recording account of the state special revenue fund.

(2) Funds deposited in the motor vehicle recording account of the state special revenue fund may be expended

for the following purposes:

(a) to pay the salaries and operating expenses ~~of--the division~~ associated with performing duties under this ~~chapter~~ TITLE, including the manufacture and delivery of license plates;

(b) to fund the forensic science ~~division~~ activities of the department of justice;

(c) to fund the Montana law enforcement academy ~~bureau~~;

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NEW SECTION. SECTION 14. CODE COMMISSIONER INSTRUCTIONS. (1) WHEREVER THE TERMS "DIVISION OF MOTOR VEHICLES", "MOTOR VEHICLE DIVISION", OR "DIVISION" MEANING DIVISION OF MOTOR VEHICLES APPEAR IN LEGISLATION ENACTED IN THE 49TH LEGISLATIVE SESSION, THE CODE COMMISSIONER IS INSTRUCTED TO CHANGE THE TERM TO "DEPARTMENT OF JUSTICE" OR "DEPARTMENT" MEANING THE DEPARTMENT OF JUSTICE.

(2) WHEREVER THE TERMS "BUREAU OF CRIMINAL INVESTIGATION" OR "BUREAU" MEANING THE BUREAU OF CRIMINAL INVESTIGATION APPEAR IN LEGISLATION ENACTED BY THE 49TH LEGISLATIVE SESSION, THE CODE COMMISSIONER IS INSTRUCTED TO

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(3) WHEREVER THE TERMS "FIRE MARSHAL BUREAU" OR "BUREAU" MEANING THE FIRE MARSHAL BUREAU APPEAR IN LEGISLATION ENACTED BY THE 49TH LEGISLATIVE SESSION, THE CODE COMMISSIONER IS INSTRUCTED TO CHANGE THE TERM TO "DEPARTMENT OF JUSTICE" OR "DEPARTMENT" MEANING THE DEPARTMENT OF JUSTICE.

(4) WHEREVER THE TERMS "DIVISION OF FORENSIC SCIENCES" OR "DIVISION" MEANING THE DIVISION OF FORENSIC SCIENCES APPEARS IN LEGISLATION ENACTED BY THE 49TH LEGISLATIVE SESSION, THE CODE COMMISSION IS INSTRUCTED TO CHANGE THE TERM TO "DEPARTMENT OF JUSTICE" OR "DEPARTMENT" MEANING THE DEPARTMENT OF JUSTICE.

NEW SECTION. Section 15. Repealer. Sections 2-15-2002 through 2-15-2004, 44-2-101, 44-2-102, 44-3-103, 44-3-202, 44-3-212, and 44-3-304, MCA, are repealed.

-End-

MINUTES FOR THE MEETING
JUDICIARY COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

March 22, 1985

The meeting of the Judiciary Committee was called to order by Chairman Tom Hannah on Friday, March 22, 1985 at 8:00 a.m. in Room 312-3 of the State Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF SENATE BILL NO. 152: Sen. Bob Brown, Senate District #2, sponsor of SB 152, testified and said the main intent of the bill is to change the presumption of the law to favor joint custody. The judge has to presume joint custody in divorce cases unless the judge finds, under the factors set forth in 40-4-212, that joint custody is not in the best interests of the minor child. Senator Brown pointed out that the reason that fathers are oftentimes delinquent in their child support payments is because in so many cases they are not awarded visitation rights. He said in the cases where there is joint custody, child support payments are paid much more often. In closing, Senator Brown said he felt the world would be a better place for both children and parents if this legislation were to pass.

PROPONENTS:

Doug Grob, a member of the Governor's Child Support Advisory Council, testified as a proponent. During most of his testimony, Mr. Grob referred to a document entitled "A Presumption of Joint Custody, Constitutionally Guaranteed." A copy of that particular document, inclusive of his specific references, was marked Exhibit A and attached hereto. He said that it is important to recognize the distinction between joint physical and joint legal custody. If a father thinks he is going to get joint legal custody he still has to do battle in order to obtain access to the child. So, to make joint legal or joint physical at the judge's discretion, you set up a double road block because the joint legal will provide the compromise to the judge between the sole custody and joint custody when, indeed, it really is not. The positive aspects of the child do not occur unless there is at least a 30%, and close to 50%, relationship of that child spending physical time with both parents. He further pointed out that the default on child support in the nation is 72% in sole custody cases. That figure dropped to 6% and 7% in joint custody cases as well as the amount of money paid being 30% higher today in joint custody than in sole custody. He said that consistently across the nation, the major amount of opposition to presumptive joint custody has come from Legal Aide. Legal Aide's caseload is 60-75% nationwide custody and divorce - 99.8% of that custody and divorce is representing women in custody and divorce.

Rep. Gould asked Mr. Andes the maximum amount of time a prisoner could be placed in solitary confinement. Mr. Andes said he did not know. Rep. Gould answered the question by saying it is a whole 10 days!

There being no further questions, the hearing closed on SB 392.

CONSIDERATION OF SENATE BILL NO. 406: Sen. J.D. Lynch, Senate District #34, chief sponsor of SB 406, said that this bill is truly a housekeeping measure that will simply make references where they were intended in regard to the Justice Department. This bill simply makes existing statute replace simple functions within the Department of Justice consistent with executive reorganization.

Larry Majerus, Department of Justice, said that the first three sections of the bill just changes the terminology. The remaining sections, up to section 14, changes specific language that exists and just cleans it up. The amended sections added the responsibility to the code commissioner to extend this bill to any bills passed relating to this section. Mr. Majerus suggested one amendment: Page 7, line 16 strike: "44-3-202,". The reason for this amendment is there was never an intent with this bill to make any substantive change. After looking at this statute, some people feel that the change could be substantive.

There being no further proponents or opponents, Sen. Lynch closed.

In response to a concern of Rep. Eudaily, Mr. Majerus said the Fire Marshal Bureau and the Forensic Science Division and others are not found in Title 61. That title only refers to the motor vehicle code. The motor vehicle code is Title 61 and the reference there is made to this title and would not affect any other operations within the department.

Rep. Brown asked if SB 406 is a code commissioner bill requested by the Department of Justice. Mr. Majerus said that the bill was drafted by the Legislative Council. The purpose of it was not to make any substantive changes in it but only to bring it in line with executive reorganization. Most departments have already done this.

Rep. Brown wanted to know if any of the repealers here refer to the forensic pathologist. Mr. Majerus said that they do. Rep. Brown further asked if this language in the bill is the same that is in the repealer or are you lowering the standards of the forensic pathologist? Mr. Majerus said that he doesn't believe they are and that it certainly wasn't their intent.

There being no further questions, the hearing was closed on SB 406.

In response to a question, Senator Towe said there is no change in the law as far as voluntary procedures. The issues before the committee are three-fold: 1) Evaluations -- do you want evaluations to take place at the Youth Center in Billings? 2) Do you want someone under the age of 12? 3) If a youth is transferred to adult court for purposes of a criminal trial, should he go to Billings for evaluation or should he go to the forensic unit in Warm Springs? Senator Towe said that there were some really good arguments on both sides, but the critical part of the bill is the evaluation.

There being no further questions, the hearing was closed on SB 411.

EXECUTIVE SESSION:

ACTION ON SENATE BILL NO. 406: Rep. Brown moved that SB 406 BE CONCURRED IN, seconded by Rep. Mercer. Rep. Brown moved to amend page 7, lines 16 and 17 following "44-3-103," strike "44-3-202", also, that particular section would be stricken in the title. The motion was seconded and carried unanimously. Rep. Brown said that he also worried that the medical examiners may not have control over their own offices -- the Attorney General controls it. Rep. Keyser said that at the present time, the medical examiner basically sets the associate medical examiner's salary within his budget area. That now will no longer be set by the medical examiner but will rather be set by the Attorney General. Rep. Keyser feels that we are doing a little more than housecleaning in this bill; we are making a few changes within that particular department. Rep. Keyser said the intention when it was set up was to keep the medical examiners as independent so their decisions weren't being influenced by the Attorney General who is the chief law enforcement officer. We are now changing that around and placing that control totally under the Attorney General and away from the medical examiner.

Rep. Brown moved to amend page 7, line 17 by striking the repealer section 44-3-212 and 44-3-304 which are essentially the two sections that allow the medical examiner the control of his own office. The title would be amended accordingly. The motion was seconded by Rep. Hammond and discussion followed.

Rep. Gould is inclined to think that this should remain under the Attorney General. He brought out the fact that the medical examiner is the highest paid employee in the state of Montana.

In response to that, Rep. Brown said that none of these statutes dictate the pay -- that is pretty much dictated by someone who is qualified for the job, and qualifications are not changed here. He doesn't think by placing the control back here that it will affect the pay provision.

Rep. Brown said he would like to add the following to his amendment: Page 4, line 13 strike section 10 and strike section 11 on line 23 because they are consistent with his previous amendments. It just leaves those people under the medical examiner.

Rep. Miles said she didn't understand why Rep. Brown wants to delete these particular sections and said that she objects to striking section 11. Rep. Brown said the reason for the amendment is because the lab director reports to the medical examiner. Rep. Brown then restated his amendment to strike in the repealer section and in the title 44-3-212 and 44-3-304; strike section 10 from the bill on page 4; and in section 11 reinsert the language on line 1, page 5.

There being no further discussion, the question was called, and the motion to amend carried with Reps. Miles and O'Hara dissenting. Rep. Hammond moved that SB 406 BE CONCURRED IN AS AMENDED. The motion was seconded by Rep. Brown, and the question called. The motion carried on a voice vote with Reps. O'Hara and Miles dissenting. Rep. Clyde Smith will carry the bill on the floor.

ACTION ON SENATE BILL NO. 411: Rep. Gould moved that SB 411 BE CONCURRED IN, seconded by Rep. Montayne.

Rep. Krueger moved to amend page 3 by striking lines 4, 5, and 6. Furthermore, on page 6, lines 22 through 23, reinsert the stricken material and strike on page 6 the new language beginning on line 23 through line 2 on page 7. The motion was seconded by Rep. Brown. Rep. Krueger said he is not sure that we should be placing those types of special youth in with the same types of adult offenders. Rep. Hannah asked Rep. Krueger if he thought it would be a problem if youths couldn't be segregated in the Billings facility. Rep. Krueger feels that could be a problem, but he feels that we have a constitutional problem here as well. He feels this cannot be adopted just because of that particular problem. He feels the problem needs to be addressed as the new facility is opened. Rep. Eudaily asked if these youths couldn't be handled in Billings would the only other option be to send them out of state? Rep. Krueger said he isn't sure what the options are.

Following further discussion, the question was called, and the motion to amend failed 8-10. (See roll call vote.)

Rep. Brown moved to amend page 5, line 22 following "individuals" by striking "18 years of age and under" and inserting "who are 12 years of age or older and under 19 years of age". The motion

VISITORS' REGISTER

HOUSE JUDICIARY COMMITTEE

BILL NO. SB 152 (Sen. Brown); SB 392 (Sen. Daniels); ~~SB 406 (Sen. Lynch);~~ SB 411 (Sen. Towe) DATE March 22, 1985

SPONSOR

NAME (please print)	~~REPRESENTING~~ REPRESENTING	SUPPORT	OPPOSE
Alan Nicholson	Self	152	
~~Kurt Krueger~~	AG	SB406	
Larry Majerus	Dept. of Justice	SB406	
John Ortwein	Mt Catholic Conf.	SB 392	✓
Dave Gamblin	Self	152	
Janet Johnnatta	self	152	
Jerry O'Neil	Self	152	
Helen Gross	Grandparents	152	
Wendie Hennessey	Self	152	
William Leiseth	Self	152	
Mary Heiser	Grandparents	152	
Cathy Campbell	MT Assn of Churches	~~SB392~~	SB392
Roy Andes	ACLU	~~392~~	392
Chip Erdmann	Self	152	
B Molineux	MT Psychological Assoc	152	
Maureen Clark	self	152	
Kerry Moore	Board of Visitors	411	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

STANDING COMMITTEE REPORT

HOUSE

March 22 19 85

MR. Speaker:

We, your committee on Judiciary

having had under consideration Senate Bill No. 406

Third reading copy (Blue color)

REVISING LAWS RELATING TO INTERNAL ORGANIZATION OF JUSTICE DEPARTMENT

Respectfully report as follows: That Senate Bill No. 406

be amended as follows:

1. Title, line 10.
Strike: "44-3-204,"

2. Title, line 12.
Following: "2-15-2004"
Strike: ","
Insert: "AND"

Strike: ", 44-2-102,"
Insert: "through"

3. Title, line 13.
Strike: "44-3-202, 44-3-212, AND 44-3-304,"

4. Page 4, following line 12.
Strike: section 10 in its entirety.

~~DO PASS~~

(continued)

Chairman.

Renumber subsequent sections

5. Page 5, line 1.
Following: "examiner"
Insert: "to the state medical examiner"

6. Page 7, lines16 and 17.
Following: "44-2-102,"
Insert: "and"

Following: "44-3-103,"
Strike: "44-3-202, 44-3-212, and 44-3-304,"

KMC

AND AS AMENDED,
BE CONCURRED IN

Jw 3/23

Tom Hannah

REP. TOM HANNAH Chairman.

SENATE BILL NO. 406

INTRODUCED BY LYNCH, C. SMITH

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS RELATING TO THE INTERNAL ORGANIZATION OF THE DEPARTMENT OF JUSTICE; SUBSTITUTING THE TERMS "DEPARTMENT OF JUSTICE" OR "DEPARTMENT" FOR TERMS RELATING TO SPECIFIC DIVISIONS OR BUREAUS WITHIN THE DEPARTMENT; AMENDING SECTIONS 2-15-2005, 44-2-111, 44-3-104 THROUGH 44-3-106, 44-3-201, ~~44-3-204,~~ 44-3-303, 53-4-505, AND 61-3-108, MCA; AND REPEALING SECTIONS 2-15-2002 THROUGH 2-15-2004, 44-2-101, 44-2-102, AND 44-3-103, ~~44-3-202, 44-3-212, AND 44-3-304,~~ MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. "Division of motor vehicles" changed to "department of justice". Wherever the term "division of motor vehicles", "motor vehicle division", or "division", meaning division of motor vehicles, appears in Title 44, chapter 1, or Title 61, it is changed to "department of justice" or "department" meaning the department of justice.

NEW SECTION. Section 2. "Bureau of criminal investigation" changed to "department of justice". Wherever the term "bureau of criminal investigation" or "bureau", meaning bureau of criminal investigation, appears in Title 44, chapter 2, it is changed to "department of justice" or "department" meaning the department of justice.

NEW SECTION. Section 3. "Fire marshal bureau" changed to "department of justice". Wherever the term "fire marshal bureau" or "bureau", meaning fire marshal bureau, appears in Title 50, chapter 3, it is changed to "department of justice" or "department" meaning the department of justice.

Section 4. Section 2-15-2005, MCA, is amended to read:

"2-15-2005. ~~Fire~~ State fire marshal ~~bureau~~ -- advisory council. (1) There is a state fire marshal ~~bureau~~ in the department of justice ~~which~~ who is under the supervision and control of the attorney general.

~~(2) The chief of the fire marshal bureau shall be appointed by the attorney general and shall serve at his pleasure. The chief of the fire marshal bureau is the state fire marshal.~~

~~(3)~~(2) A person appointed state fire marshal shall have:

(a) at least 10 years of progressively responsible experience in fire protection;

(b) a 2-year associate degree in fire protection engineering from a recognized institution of higher education and 2 years' experience in fire protection; or

(c) a degree from a recognized institution of higher

education in fire protection engineering or fire protection technology.

~~(4)~~(3) The attorney general shall create a fire marshal advisory council in accordance with procedures provided in 2-15-122."

Section 5. Section 44-2-111, MCA, is amended to read:

"44-2-111. Definition of "agent". As used in this part, "agent" means a person appointed to ~~the--bureau--of criminal--investigation~~ conduct criminal investigations and perform related duties within the attorney general's office."

SECTION 6. SECTION 44-3-104, MCA, IS AMENDED TO READ:

"44-3-104. Functions of ~~division~~ department. The forensics functions of the ~~division~~ department of justice include operation of:

(1) a laboratory of criminalistics; and

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"44-3-105. Authority to accept grants. The ~~division-of forensic--science~~ department of justice is authorized to accept federal and other moneys which may be made available to accomplish the purposes of this chapter."

Section 8. Section 44-3-106, MCA, is amended to read:

"44-3-106. Power of attorney general to employ personnel. The attorney general is authorized to employ such

personnel as may be necessary to ~~conduct-the-affairs-of-the division-of-forensic-science~~ perform the functions of this chapter."

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INTRODUCED BY LYNCH, C. SMITH

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REFERENCE BILL

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(1) be responsible ~~to--the-state-medical-examiner~~ TO THE STATE MEDICAL EXAMINER for supervision and direction of the laboratory~~.~~;

(2) appoint laboratory personnel;

(3) render decisions as to the disposition of specimens; and

(4) perform all other duties required by the rules of the ~~division~~ DEPARTMENT."

Section 11. Section 53-4-505, MCA, is amended to read:

"53-4-505. Fire safety -- certification required. (1) The state fire marshal of the department of justice shall adopt and enforce rules for the protection of children in day-care centers from fire hazards and arrange for such inspections and investigations as it considers necessary.

(2) Before a license can be issued to operate a day-care center, each applicant shall submit to the department a certificate of approval from the fire marshal ~~bureau~~ of the department of justice or ~~its~~ his designee, indicating that fire safety rules have been met."

Section 12. Section 61-3-108, MCA, is amended to read:

"61-3-108. Disposition of fees -- use. (1) All fees payable to the ~~division~~ department under this ~~chapter~~ TITLE, UNLESS OTHERWISE PROVIDED, shall be deposited in a motor vehicle recording account of the state special revenue fund.

(2) Funds deposited in the motor vehicle recording

account of the state special revenue fund may be expended for the following purposes:

(a) to pay the salaries and operating expenses ~~of-the division~~ associated with performing duties under this ~~chapter~~ TITLE, including the manufacture and delivery of license plates;

(b) to fund the forensic science ~~division~~ activities of the department of justice;

(c) to fund the Montana law enforcement academy ~~bureau~~;

(d) to fund the law enforcement teletype system ~~bureau~~ of the department of justice;

(e) to fund the Montana criminal law information center to the extent that all of the above programs have been previously funded and funds remain available."

NEW SECTION. SECTION 13. CODE COMMISSIONER INSTRUCTIONS. (1) WHEREVER THE TERMS "DIVISION OF MOTOR VEHICLES", "MOTOR VEHICLE DIVISION", OR "DIVISION" MEANING DIVISION OF MOTOR VEHICLES APPEAR IN LEGISLATION ENACTED IN THE 49TH LEGISLATIVE SESSION, THE CODE COMMISSIONER IS INSTRUCTED TO CHANGE THE TERM TO "DEPARTMENT OF JUSTICE" OR "DEPARTMENT" MEANING THE DEPARTMENT OF JUSTICE.

(2) WHEREVER THE TERMS "BUREAU OF CRIMINAL INVESTIGATION" OR "BUREAU" MEANING THE BUREAU OF CRIMINAL INVESTIGATION APPEAR IN LEGISLATION ENACTED BY THE 49TH

LEGISLATIVE SESSION, THE CODE COMMISSIONER IS INSTRUCTED TO CHANGE THE TERM TO "DEPARTMENT OF JUSTICE" OR "DEPARTMENT" MEANING THE DEPARTMENT OF JUSTICE.

(3) WHEREVER THE TERMS "FIRE MARSHAL BUREAU" OR "BUREAU" MEANING THE FIRE MARSHAL BUREAU APPEAR IN LEGISLATION ENACTED BY THE 49TH LEGISLATIVE SESSION, THE CODE COMMISSIONER IS INSTRUCTED TO CHANGE THE TERM TO "DEPARTMENT OF JUSTICE" OR "DEPARTMENT" MEANING THE DEPARTMENT OF JUSTICE.

(4) WHEREVER THE TERMS "DIVISION OF FORENSIC SCIENCES" OR "DIVISION" MEANING THE DIVISION OF FORENSIC SCIENCES APPEARS IN LEGISLATION ENACTED BY THE 49TH LEGISLATIVE SESSION, THE CODE COMMISSIONER IS INSTRUCTED TO CHANGE THE TERM TO "DEPARTMENT OF JUSTICE" OR "DEPARTMENT" MEANING THE DEPARTMENT OF JUSTICE.

NEW SECTION. Section 14. Repealer. Sections 2-15-2002 through 2-15-2004, 44-2-101, 44-2-102, AND 44-3-103, ~~44-3-202, 44-3-212, and 44-3-304,~~ MCA, are repealed.

-End-